

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL, APRIL  
MUNIZ, HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSLEY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENOCH”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**REPLY IN SUPPORT OF PLAINTIFF TYLER MAGILL’S MOTION TO WITHDRAW  
AND VOLUNTARILY DISMISS HIS CLAIMS WITHOUT PREJUDICE**

Plaintiff Tyler Magill respectfully submits this reply in support of his motion to withdraw and voluntarily dismiss his claims without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). (ECF No. 405.)

Defendants, many of whom who have yet to produce a single page of discovery despite numerous orders from this Court, claim that Mr. Magill should be required to produce medical records before he is permitted to withdraw from the case. There is no support in law or logic for the proposition that a party may only withdraw from a matter after he provides his adversary certain documents. Moreover, a party's medical records are relevant to support a claim for damages. Mr. Magill, who seeks to withdraw from the case entirely, will no longer be seeking damages. To claim that Defendants are nonetheless entitled to peruse those records for some other unspecified purpose is nonsensical. Mr. Magill does not seek to evade producing medical records; he seeks to withdraw from the case all together. Because Defendants have failed to articulate even a plausible claim of prejudice from Mr. Magill's withdrawal, we ask that his motion to withdraw be granted.

Dated: February 26, 2019

Respectfully submitted,

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)

COOLEY LLP

11951 Freedom Drive, 14th Floor

Reston, VA 20190-5656

Telephone: (703) 456-8000

Fax: (703) 456-8100

rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Gabrielle E. Tenzer (*pro hac vice*)  
Michael L. Bloch (*pro hac vice*)  
Joshua A. Matz (*pro hac vice*)  
Christopher B. Greene (*pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanhecker.com  
jfink@kaplanhecker.com  
gtenzer@kaplanhecker.com  
mbloch@kaplanhecker.com  
jmatz@kaplanhecker.com  
cgreene@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Jessica Phillips (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
1401 New York Ave, NW  
Washington, DC 20005  
Telephone: (202) 237-2727  
Fax: (202) 237-6131  
kdunn@bsfllp.com  
wisaacson@bsfllp.com  
jphillips@bsfllp.com

Yotam Barkai (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
575 Lexington Ave.  
New York, NY 10022  
Telephone: (212) 446-2300  
Fax: (212) 446-2350  
ybarkai@bsfllp.com

Alan Levine (*pro hac vice*)  
Philip Bowman (*pro hac vice*)  
COOLEY LLP  
1114 Avenue of the Americas, 46th Floor  
New York, NY 10036  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com  
pbowman@cooley.com

David E. Mills (*pro hac vice*)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com

J. Benjamin Rottenborn (VSB 84796)  
WOODS ROGERS PLC  
10 South Jefferson St., Suite 1400  
Roanoke, VA 24011  
Telephone: (540) 983-7600  
Fax: (540) 983-7711  
brottenborn@woodsrogers.com

*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt  
David L. Hauck  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dhauck@dhdglaw.com  
dcampbell@dhdglaw.com

Lisa M. Lorish  
Federal Public Defenders Office  
Western District of Virginia - Charlottesville  
401 E Market Street, Suite 106  
Charlottesville, VA 22902  
lisa\_lorish@fd.org

*Fifth Amendment Counsel for Defendant  
James A. Fields, Jr.*

*Counsel for Defendant James A. Fields, Jr.*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

*Counsel for Defendants Michael Hill,  
Michael Tubbs, and League of the South*

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

John A. DiNucci  
Law Office of John A. DiNucci  
8180 Greensboro Drive, Suite 1150  
McLean, VA 22102  
dinuccilaw@outlook.com

*Counsel for Defendants Nationalist Front,  
National Socialist Movement,<sup>1</sup> Matthew  
Parrott, Robert Ray, Traditionalist Worker  
Party, Jason Kessler, Vanguard America,  
Nathan Damigo, Identity Europa, Inc.  
(Identity Evropa), and Christopher Cantwell*

*Counsel for Defendant Richard Spencer*

---

<sup>1</sup> Although Plaintiffs understand that Messrs. Kolenich and Woodard have terminated their representation of Defendants Nationalist Front and National Socialist Movement, a proper substitution of counsel has yet to be approved by the Court.

I further hereby certify that on February 26, 2019, I also served the following non-ECF participants, via U.S. mail, First Class and postage prepaid, addressed as follows:

Loyal White Knights of the Ku Klux Klan  
a/k/a : Loyal White Knights Church of  
the Invisible Empire, Inc.  
c/o Chris and Amanda Barker  
2634 U.S. HWY 158 E  
Yanceyville, NC 27379

Moonbase Holdings, LLC  
c/o Andrew Anglin  
P.O. Box 208  
Worthington, OH 43085

Andrew Anglin  
P.O. Box 208  
Worthington, OH 43085

East Coast Knights of the Ku Klux Klan  
a/k/a East Coast Knights of the  
True Invisible Empire  
26 South Pine St.  
Red Lion, PA 17356

Fraternal Order of the Alt-Knights  
c/o Kyle Chapman  
52 Lycett Circle  
Daly City, CA 94015

Augustus Sol Invictus  
9823 4<sup>th</sup> Avenue  
Orlando, FL 32824

I further hereby certify that on February 26, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

Elliot Kline  
eli.f.mosley@gmail.com

Matthew Heimbach  
matthew.w.heimbach@gmail.com

Jeff Schoep,  
jeffschoep@gmail.com

/s/ Robert T. Cahill  
Robert T. Cahill (VSB 38562)  
COOLEY LLP

*Counsel for Plaintiffs*